

# EXHIBIT A



# UNITED STATES OF AMERICA

U.S. Department of Justice

Eastern District of New York

## CIVIL INVESTIGATIVE DEMAND

Documentary Material

To: **NYC Department of Health and Mental Hygiene  
125 Worth Street, Ninth Floor  
New York, New York 10013-4089  
ogc@health.nyc.gov** CID No.: **EDNYCID-2021-37**

This Civil Investigative Demand is issued pursuant to the False Claims Act, 31 U.S.C. §§ 3729-3733, in the course of a False Claims Act investigation to determine whether there is or has been a violation of 31 U.S.C. § 3729 *et seq.* The False Claims Act investigation concerns possible false claims submitted to the United States Department of Housing and Urban Development by owners and operators of federally funded housing in New York City. This is the original of the Demand; no copies have been served on other parties. The information and documents provided in response to this Demand may be shared, used, and disclosed as provided by 31 U.S.C. § 3733.

**YOU ARE COMMANDED** to produce the following documentary material: **SEE ATTACHMENT.**

Date of Production: **December 15, 2021 10:00 am** Place of Production: **United States Attorney's Office  
Eastern District of New York  
271-A Cadman Plaza East, 7th Floor  
Brooklyn, New York 11201**

**Special Instructions:** The documentary material may be mailed to Assistant United States Attorney Ekta R. Dharia, United States Attorney's Office, Eastern District of New York, 271-A Cadman Plaza East, 7th Floor, Brooklyn, New York 11201, or delivered electronically to [ekta.dharia@usdoj.gov](mailto:ekta.dharia@usdoj.gov). If you have any questions, you may contact Assistant United States Attorney Ekta R. Dharia at (718) 254-7520 or [ekta.dharia@usdoj.gov](mailto:ekta.dharia@usdoj.gov).

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IN TESTIMONY WHEREOF

Date: 10/21/21 JOSEPH MARUTOLLO Digitally signed by JOSEPH MARUTOLLO  
Date: 2021.10.21 16:31:09 -04'00'

JOSEPH MARUTOLLO  
ACTING CHIEF, CIVIL DIVISION  
EASTERN DISTRICT OF NEW YORK  
Issued under the authority of 31 U.S.C. § 3733

Failure to comply with the requirements of this subpoena will render you liable to proceedings in U.S. district court to enforce the subpoena and to punish default or disobedience.

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

**Ekta R. Dharia**  
Assistant United States Attorney  
271-A Cadman Plaza East, 7th Floor  
Brooklyn, New York 11201  
(718) 254-7520 or [ekta.dharia@usdoj.gov](mailto:ekta.dharia@usdoj.gov)

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**PROOF OF SERVICE**

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CID NO.

**EDNYCID-2021-37**

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SERVED (DATE)

PLACE OF SERVICE

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SERVED ON (PRINT NAME)

MANNER OF SERVICE (PERSONAL DELIVERY OR CERTIFIED/REGISTERED MAIL)

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SERVED BY (PRINT NAME)

TITLE

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**DECLARATION OF SERVER**

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I, an employee of the United States working under the direction and supervision of the Assistant United States Attorney identified on the face of this document in connection with a False Claims Act investigation, certify that I served an executed copy of the civil investigative demand listed above. I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Proof of Service is true and correct.

Executed on \_\_\_\_\_

DATE

SIGNATURE OF SERVER

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ADDRESS OF SERVER

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**CID No. EDNYCID-2021-37**  
**Instructions**

1. Unless otherwise specified in a particular request, this Civil Investigative Demand (“CID”) requires production of all documents from January 1, 2015 through the date of full compliance with this CID (“CID Period”). These requests apply to all documentary material in your possession, custody, or control regardless of their location and regardless of whether such documents are held by your attorneys, consultants, accountants, investigators, representatives or agents, or any other person acting on your behalf.
2. These requests are continuing in nature. If you become aware of or acquire possession, custody, or control of additional responsive documents, you shall promptly produce such additional documents for inspection and copying.
3. If any documents are withheld based upon a claim of privilege, work product doctrine, or any other protection from discovery:
  - a. identify the document in writing;
  - b. state the privilege(s), work product doctrine(s), or other protection(s) from discovery relied upon for withholding the document; and
  - c. state all facts supporting the claim of privilege(s), work product doctrine(s), or other protection(s) from discovery.
4. When a requested document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible. If a privilege is asserted with regard to a part of the material contained in a document, the party claiming the privilege must clearly indicate the portions as to which privilege is claimed. When a document has been redacted or altered in any fashion, identify as to each document the reason for the redaction or alteration. Any redaction must be clearly visible on the redacted document and marked accordingly.
5. Identify all responsive documents that have been lost, discarded, or destroyed. In so doing, state the type of document, its date, the approximate date it was lost, discarded, or destroyed, and the identity of each person having knowledge of the contents thereof.
6. To the extent that documents responsive to any request herein are in the possession, custody, or control of third parties, identify the documents, and provide the name, address, telephone number and principal contact of the third party.
7. Number the documents produced using bates labeling or some other sequential system. The marks should be placed in the lower right hand corner of each page, but should not obscure any information on the document.
8. All documents should be accompanied by a transmittal letter that includes (1) the CID control number, (2) Your name, (3) the date of production, (4) the number and letter, as

appropriate, to which request it is responsive, and (5) the Bates range.

9. If no documents exist that are responsive to a particular request, a written statement to that effect shall be provided at the time of production.

10. Produce electronic records in accordance with the attached instructions.

11. If a definition is not provided herein, the full text of the definition of words and the rules of construction of Local Civil Rule 26.3 of the Local Rules of the United States District Court for the Eastern District of New York, and the Federal Rules of Civil Procedure apply.

**CID No. EDNYCID-2021-37**  
**Definitions**

1. "You," "your," and "DOHMH" refer to the New York City Department of Health and Mental Hygiene, including, but not limited to, any and all parent organizations, subsidiaries, affiliates, branches, divisions, units, or offices of such entity, and any person acting on its behalf, including, but not limited to, their employees, supervisors, managers, executives, board members, officers, directors, agents, and contractors.

2. "HPD" refers to the New York City Department of Housing and Preservation and Development, including, but not limited to, any and all parent organizations, subsidiaries, affiliates, branches, divisions, units, or offices of such entity, and any person acting on its behalf, including, but not limited to, their employees, supervisors, managers, executives, board members, officers, directors, agents, and contractors.

3. "Elevated blood-lead levels" means a blood lead level of 5 mcg/dL or greater in any individual, as set forth by the United States Center for Disease and Control Prevention.

4. "Environmental investigation" means an investigation or assessment that is conducted, in part or in whole, to determine whether there is lead paint, lead in dust, or other lead contamination or hazards at a property.

5. "Communication" means any transmission or exchange of information between two or more persons orally or in writing and includes, without limitation, any conversation or discussion, whether face-to-face or by means of telephone or other media, whether by chance or design.

6. "Documentary material," "document," or "documents" shall mean all writings, recordings, papers, tangible things, or electronically produced or stored matters of any kind whatsoever, including but not limited to all originals and non-identical copies or reproductions of all records, paper, communication, tabulation, chart, diaries, appointment books, calendars, schedules, journals, notes, memoranda, reports, minutes, notices, charts, graphs, tables, bulletins, financial statements, balance sheets, asset lists, ledgers, letters, correspondence of any kind, contracts, agreements, negotiable instruments, time records, bills, invoices, pay slips, notepads, notebooks, postcards, telegrams, facsimiles, telexes, films, microfilms, photographs, videotapes, slides, motion pictures, diagrams, models, drawings, recordings, tapes, transcriptions, books, publications, phone records, electronic mail, voice mail, computer files (or any other information or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations), and other things, whether prepared by handwriting, printing, typing, photostating, photographing, electronic recording, or any other means of recording, communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof.

7. "Concerning," "relating to" or "relate" shall mean consisting of, constituting, containing, discussing, describing, referring to, reflecting, supporting, evidencing, prepared in

connection with, used in preparation for, or being in any way legally, logically, or factually connected to the matter discussed.

8. "And," "or," and "and/or" shall be construed either disjunctively or conjunctively so as to bring within the scope of these document requests any information which might otherwise be construed as outside their scope.

9. The singular and plural forms of any word shall be construed interchangeably so as to bring within the scope of these document requests any information which might otherwise be construed as outside their scope.

10. All present tenses of verbs or verb forms shall be considered to include within their meaning the future and past tenses as well, and vice versa.

11. The words "or" and "and" are inclusive, referring to any one or more of the disjoined words or phrases, and "any" and "all" also include "each" and "every."

12. The word "any," when used in reference to a particular set of individuals or entities, refers, inclusively, to any one of such individuals or entities, any subset of such individuals or entities, or all such individuals or entities.

**CID No. EDNYCID-2021-37**  
**Documentary Material Request**

**Document Requests**

You are required by this Demand to produce any and all of the following documents in your possession, custody, or control:

1. For all properties located in the City of New York, excluding any properties owned or operated by the New York City Housing Authority (“NYCHA”), data sufficient to show (in Excel spreadsheets or database form, produced in their native format) the following information:
  - a. All property addresses (including unit or apartment numbers), where three or more individuals with elevated blood-lead levels have been identified;
  - b. The date that each individual with elevated blood-lead levels was identified, as described in Request 1(a);
  - c. The name and contact information for all owners and management companies that oversee the properties identified in Request 1(a);
  - d. If performed, the date of any environmental investigation for each property identified in Request 1(a);
  - e. The date the results the environmental investigation identified in Request 1(d) were sent to the property owner; and
  - f. If lead hazard control is required under local law, the date the property identified in Request 1(a) was cleared of lead contamination.
2. All documents reflecting complaints of lead paint or lead contamination, and/or elevated blood-lead levels, regarding the properties provided in response to Request 1(a), and all documents reflecting any response to, investigation of, or evaluation of those complaints.
3. Any notification letters and lead-based paint evaluation or testing results regarding the individuals, properties, and incidents provided in response to Request 1.
4. All documents reflecting efforts by DOHMH to address lead paint or lead contamination at the properties identified in response to Request 1(a).
5. All communications between DOHMH and HPD, or between DOHMH and any city, state, or federal government entity regarding lead paint or lead contamination, and/or elevated blood-lead levels, regarding the individuals, properties, and incidents provided in response to Request 1.

### **Interrogatories**

You are required by this Demand to produce any and all of the following information in your possession, custody, or control:

1. Identify the individuals most knowledgeable about the matters addressed in the United States' document requests, broken out by request.
2. Identify and describe all databases containing information relating to complaints of lead paint or lead contamination in pre-1978 buildings, and/or elevated blood-lead levels regarding the individuals, properties, and incidents provided in response to Request 1.

You must make this material available to **Assistant United States Attorney Ekta R. Dharia**, who has been designated as a False Claims Act custodian in this case.

These documents shall be produced on or before **December 15, 2021**, at **271-A Cadman Plaza East, Brooklyn, New York 11201**, or at another location to be mutually agreed upon by yourself and the False Claims Act custodian. The production of documentary material in response to this Demand must be made under a declaration of compliance in the form printed in this Demand.

**CID No. EDNYCID-2021-37**  
**Declaration of Compliance**  
**(Documentary Material)**

I have responsibility for producing the documentary material required by Civil Investigative Demand No. **EDNYCID-2021-37**. I hereby certify that all the documentary material required by the Civil Investigative Demand and in the possession, custody, or control of the person to whom the Demand is directed has been produced and made available to the false claims law investigator or custodian identified in the Demand.

If any such material has not been produced because of a lawful objection, the objection to the document request and the reasons for the objection have been stated.

I declare under penalty of perjury under the laws of the United States of America (28 U.S.C. § 1746) that the forgoing is true and correct.

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Name

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Signature

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Title

**SWORN TO** before me this  
\_\_\_\_ day of \_\_\_\_, 2021

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NOTARY PUBLIC

My commission expires: \_\_\_\_\_